

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF ALKIVIADES MEIMARIS, et al.,

Plaintiffs,

-against-

JOSEPH E. ROYCE, et al.,

Defendants.

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ADAM RODRIGUEZ, an attorney duly admitted to practice before this Court, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am Counsel at the law firm of Bleakley Platt & Schmidt, LLP, attorneys of record for Defendants Joseph E. Royce and Lawrence A. Blatte in the above-captioned action.

2. I am fully familiar with the facts set forth herein, and make this Declaration in Support of Defendants' Motion Pursuant to Federal Rule of Civil Procedure 9(b), 12(b)(1), 12(b)(6) and 26(c).

3. The following statements are true based upon my own knowledge and review of pertinent documents.

4. A copy of the *Disclosure Statement* filed on February 6, 2012 with the U.S. Bankruptcy Court of the Southern District of New York, White Plains Division, in *In re: TBS Shipping Services Inc., et al.*, 12-22224 (RDD), is annexed hereto as Exhibit 1.

5. A copy of the *Debtors' Omnibus Reply to Objections to Confirmation of Joint Prepackaged Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code (With Technical Modifications)* filed on March 12, 2012 with the U.S. Bankruptcy Court of the Southern District of New York, White Plains Division, in *In re: TBS Shipping Services Inc., et al.*, 12-22224 (RDD), is annexed hereto as Exhibit 2.

6. A copy of the *Confirmation Order* issued on March 29, 2012 by the U.S. Bankruptcy

18-cv-4363 (GBD) (BCM)

**DECLARATION IN SUPPORT
OF MOTION TO
DISMISS THIRD AMENDED
COMPLAINT**

Court of the Southern District of New York, White Plains Division, in *In re: TBS Shipping Services Inc., et al.*, 12-22224 (RDD), is annexed hereto as Exhibit 3.

7. A copy of the Third Amended Complaint in this action (ECF No. 62) is annexed hereto as Exhibit 4.

8. Wherefore, it is respectfully requested that, for the reasons set forth in the accompanying Memorandum of Law, Defendants' motion should be granted in its entirety.

Dated: White Plains, New York
October 1, 2018

BLEAKLEY PLATT & SCHMIDT, LLP
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BY: /s/ Adam Rodriguez
William P. Harrington, Esq.
Adam Rodriguez, Esq.